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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,371	02/10/2005	Richard Ronald Baynham	265330US6XPCT	4850

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

NOTIFICATION DATE	DELIVERY MODE
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06/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/524,371	Applicant(s) BAYNHAM ET AL.	
	Examiner James F. Hook	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hwang with further evidence provided by Ries. The patent to Hwang discloses the recited the recited prefabricated tubular body 2 for use downhole comprising integral centralizer formations 4 formed as projections molded to the tubular body by using heat and pressure to attach them to the tubular where such are made of curable resins such as thermoplastics, where such can be provided with ceramic particulate filler material, in addition thereto fillers including antistatic agents can be provided, where carbon fibers are fillers used inherently to provide antistatic properties, the limitations of claim 12 appear only to recite method steps which would not change the final product materially of providing a projection that is heat and pressure molded of curing resin onto a pipe, the same is true of claim 13 which merely discloses the apparatus, specifically the mold, that is used to form the projections, both claim 13 and 12 hold no patentable weight on an article claim when such are not materially changing the final product, after forming the projections on the pipe the pipe can be coated with a polyester film which is a resin and coated thereto thereby meeting claims 14-16, the tubular core is placed within other objects by sliding

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and therefore is capable of permitting rotation as well, and where the projections are formed as ribbing or stand off projections. The patent to Hwang discloses all of the recited material, where Hwang discloses the use of antistatic fillers and it is considered old and well known in the art that carbon fibers are used as antistatic fillers in pipes, as evidenced by Ries in paragraphs [0121] and [0128] which set forth that known additives for antistatic properties are carbon fibers, graphite fibrils, and conductivity black, therefore it would have been obvious to modify the material in Hwang that discloses antistatic fillers to specifically use a known filler such as carbon fibers to achieve antistatic properties as such would only require routine skill and knowledge in the art to select an appropriate material for its specific use from those known in the art as evidenced by Ries.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Mushovic. The reference to Hwang discloses all of the recited structure as set forth above, however, if it is considered that carbon fibers are not inherently antistatic additives then the following rejection is considered pertinent. The reference to Mushovic discloses that it is old and well known to provide cured resins

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with various fillers where ceramic fibers and/or carbon fibers, are equivalent materials used as fillers to improve the structural strength of the plastic and including thermal resistance. It would have been obvious to one skilled in the art to provide the ceramic additive in Hwang with carbon fibers as well as suggested by Mushovic where such is a known equivalent material used as a filler for resins to improve strength where carbon fibers and would provide beneficial thermal resistance to the material should higher temperatures be met by the pipe, and where Mushkovic teaches these two materials can be used in combination as additives.

Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Ries. As set forth above, Hwang is considered to teach the combination of antistatic filler with ceramic fillers in centralizers, however, Hwang isn't specific on what type of antistatic filler is used. The reference to Ries as set forth above discloses that it is old and well known to provide cured resins with various fillers including those with antistatic properties which can include carbon fibers. It would have been obvious to one skilled in the art to modify the antistatic additive in Hwang to be carbon fibers suggested by Ries where such is a known equivalent material used as a filler for resins that has antistatic properties as is known in the art and would aid in preventing charge buildup which could lead to undesired results.

Response to Arguments

Applicant's arguments filed March 16, 2010 have been fully considered but they are not persuasive. With respect to the anticipation rejection under Hwang, such is not persuasive to merely suggest that because the specific antistatic agent used is not set forth that Hwang would not inherently cover all known antistatic agents, and further when proof is provided by the examiner in Ries that carbon fibers are known antistatic agents, therefore this argument isn't persuasive without more evidence as to why it's not inherent that all known antistatic agents are covered by the disclosure of Hwang. With respect to the rejection under obviousness, Hwang teaches antistatic agents without narrowing itself to specific types and Ries teaches what one skilled in the art of antistatic agents would use, carbon fibers specifically, therefore providing the motivation to combine the references in that such is taught by the references themselves where Ries teaches equivalent types of antistatic agents that are used. There are a limited number of choices to choose from for antistatic agents taught by Ries and it would not require any more than common sense to use whichever antistatic material is most desired for a specific use, where carbon fibers would have different static property conduction than the other materials, and further with Hwang teaching the combination of ceramic materials with antistatic additives and Ries teaching the equivalent use of carbon fibers as antistatic agents, such is considered to meet the applicants structure. With respect to Hwang in view of Mushovic, Hwang teaches in column 5, lines 8-38 that additives which include ceramic materials and in addition fibers and particles for antistatic purposes, and Mushovic teaches types of antistatic materials which includes

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carbon fibers and combinations with other additives formed by mixtures of the additives are known which includes carbon and ceramic fibers, therefore the combination is taught by Mushovic to combine ceramic materials with antistatic carbon fibers as well, where Hwang teaches the desired combination as well but is not clear on which antistatic material is used specifically and Mushovic teaches what antistatic materials (carbon fibers in this case) can be used in combination with ceramic additives. With respect to the arguments directed at Mushovic being made of rigid or semi-rigid materials such is not persuasive when the reference is being used to teach types of antistatic materials used as additives in combination with ceramics, where Hwang already teaches this combination in their material which is of the desired flexibility, and there is no evidence provided by applicant that carbon fibers would be any more rigid than any other antistatic agent which could be used in Hwang. With respect to the argument that the references do not teach the resistance desired by the applicants, such is immaterial where such is not claimed and also the references do not need to solve the same problem in the art to teach the desired structure especially when such is not specifically recited in the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Mercuri disclosing known filler materials used with resins.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/
Primary Examiner, Art Unit 3754

JFH